

# STATE OF FLORIDA

## OFFICE OF THE GOVERNOR EXECUTIVE ORDER NO. 03-201

**WHEREAS**, on October 21, 2003, the Florida Legislature passed House Bill 35-E (to be published as Public Law 03-418), signed this date by me, authorizing the Governor to issue a one-time stay in certain cases where, as of October 15, 2003, the action of withholding or withdrawing nutrition or hydration from a patient in a permanent vegetative state has already occurred and there is no written advance directive and a family member has challenged the withholding or withdrawing of nutrition and hydration; and

**WHEREAS**, under House Bill 35-E a person may not be held civilly liable and is not subject to regulatory or disciplinary sanctions for taking any action to comply with a stay issued by the Governor pursuant to House Bill 35-E; and

**WHEREAS**, in the case of Theresa Marie Schindler Schiavo, Robert Schindler and Mary Schindler, the parents of Theresa Marie Schindler Schiavo, have requested that the Governor enter a stay prohibiting further withholding or withdrawing of nutrition or hydration; and

**WHEREAS**, a court has found that Theresa Schiavo is in a persistent vegetative state as of October 15, 2003; and

**WHEREAS**, Theresa Schiavo had no written advance directive as of October 15, 2003; and

**WHEREAS**, nutrition and hydration have been withdrawn from Theresa Schiavo, and continues to be withheld as of October 15, 2003; and

**WHEREAS**, the Schindlers have challenged the withdrawal and withholding of nutrition and hydration as of October 15, 2003; and

**WHEREAS**, an immediate and urgent need has arisen to address the removal of nutrition or hydration, because death due to lack of nutrition and hydration is imminent;

**NOW THEREFORE, I, JEB BUSH**, Governor of the State of Florida, by the powers vested in me by the Constitution and laws of the State of Florida, specifically House Bill 35-E, do hereby promulgate the following Executive Order, effective immediately:

Section 1.

- A. Effective immediately, continued withholding of nutrition and hydration from Theresa Schiavo is hereby stayed.
- B. Effective immediately, all medical facilities and personnel providing medical care for Theresa Schiavo, and all those acting in concert or participation with them, are hereby directed to immediately provide nutrition and hydration to Theresa Schiavo by means of a gastronomy tube, or by any other method determined appropriate in the reasonable judgment of a licensed physician.
- C. While this order is effective, no person shall interfere with the stay entered pursuant to this order.
- D. This order shall be binding on all persons having notice of its provisions.
- E. This order shall be effective until such time as the Governor revokes it.
- F. The Florida Department of Law Enforcement shall serve a copy of this Executive Order upon the medical facility currently providing care for Theresa Schiavo.



IN TESTIMONY WHEREOF, I have hereunto set my hand and have caused the Great Seal of the State of Florida to be affixed this 21<sup>st</sup> day of October, 2003.

  
GOVERNOR

ATTEST:

  
SECRETARY OF STATE

RECEIVED  
SECRETARY OF STATE

OCT 21 PM 4:47

FILED